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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

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Executive Director

Division of Oil, Gas and Mining

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Outgoing

C0150015

#4075

OK

June 21, 2012

John A. Gefferth, Environmental Engineer
Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

Subject: 2011 Annual Report Review Completion, Emery Deep Mine, C/015/0015, Task ID #4075

Dear Mr. Gefferth:

The Division staff has completed the review of the 2011 Annual Report. Enclosed is a copy of the review with each reviewer's comments completed on June 19, 2012. During the course of the annual report review, the following issues/commitments were identified.

The annual inspection and reporting commitment for the control of coal fines deposition has been met; however, the data should be more effectively displayed using an excel spreadsheet covering baseline and each year of monitoring. By doing so, comparisons of the data and the evaluation of trends over time will be more conclusive.

Additionally, as a result of final approval of the Emery Deep Ground Water Monitoring Revision amendment (Task ID #4055, final approval 05/24/2012), a commitment was established on page VI-56 of the approved Mining and Reclamation Plan to submit a report of findings based on the water quality and quantity data obtained from the Emery Town Wells (#1 and #2). The report must be submitted with the 2012 annual report information.

Thank you for your diligence in completing the Annual Report. If you have any questions, please call me at (801) 538-5325.

Sincerely,

Daron R. Haddock
Coal Program Manager

DRH/sqs
Enclosure
cc: Price Field Office
O:\015015.EME\WG4075\ReviewCompletionLetter.doc



Annual Report

This Annual Report shows information the Division has for your mine. Submit the completed document and any additional information identified in the Appendices to the Division by **March 30, 2012**. During a complete inspection an inspector will check and verify the information.

GENERAL INFORMATION

Company Name Consolidation Coal Company

Mine Name Emery Deep Mine

Permit Number C/015/0015

Permit expiration Date

Operator Name

Phone Number

Mailing Address

Email

City

State

Zip Code

DOGM File Location or Annual Report Location

Excess Spoil Piles

☐ Required

☒ Not Required

Refuse Piles

☒ Required

☐ Not Required

Impoundments

☒ Required

☐ Not Required

Other:

See Appendix A-2 Annual Inspection

See Appendix A-1 Annual Inspections, A-3 pond design capacity

OPERATOR COMMENTS

REVIEWER COMMENTS



Met Requirements



Did Not meet Requirements

Reviewed by James Owen. Certified refuse pile and impoundment reports were submitted with the application. No failures or stability issues were observed or reported.

COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the Mining and Reclamation Plan and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If additional written response is required, it should be filed as an attachment to this report.

Title: CULTURAL RESOURCE PROTECTION

Objective: To monitor the five eligible cultural resource sites that could be damaged as a result of subsidence in the zero zero north area. Sites include: 42Em3964, 42Em3965, 42Em3969, and 42Em3974.

Frequency: Annually after undermining until the Division determines subsidence is no longer an impact.

Status: ongoing, Undermining has not occurred to date.

Reports: Annual

Citation: MRP, Confidential Binder, Chapter X, Part A, Page 1

Operator Comments

Undermining has not occurred to date

Reviewer Comments ☒ Met Requirements

☐ Did Not Meet Requirements

Mining activity did not occur during 2011. The Division was notified that the Emery Deep Mine was entering into a period of temporary cessation on February 16th, 2010. Mining activity has not resumed since that time.

Title: CONTROL OF COAL FINES DEPOSITION

Objective: To prevent coal fines from accumulating on undisturbed soils.

Frequency: Annual inspection of three transects, three sample sites each for % coal, 5 live vegetative cover, and presence of cryptogammic cover and soil color. Include the name of the person collecting the data, soil color data, and cryptogram observation.

Status: Annual inspections should be ongoing during periods of production.

Reports: Annual report, build on the table provided in Chapter X-C, page 5, with the inclusion of a column for soil color.

Citation: MRP, Chapter X part C, page 5b.

Operator Comments

Refer to Appendix B-3

Reviewer Comments ☒ Met Requirements ☐ Did Not Meet Requirements

Division Comments: Reviewed by Priscilla Burton on 4/16/2012. The annual inspection and reporting commitment has been met. Annual Report App. B-3 provides data for the 2011 year. The data could be more effectively displayed using an excel spreadsheet so that comparisons of the data and trends may be seen over time.

Title: INVESTIGATIVE STUDY INTO RECLAMATION PRACTICE

Objective: To develop an enhanced reclamation plan, based on an evaluation of soil chemistry and vegetation establishment on previous reclaimed sites. (results located in Chapter 11, Appendix 1). This is a four-phase project. Phase I involves reporting on the investigation of past reclamation sites and practices at the mine. Phase II requires that, based on the Phase I investigations, and in consultation with DOGM, the permittee implement the best techniques demonstrated to be successful thus far. Phase III requires that the applied techniques be evaluated qualitatively annually and quantitatively between the 4th and 6th year. These evaluations will be correlated to precipitation data. Phase IV requires the permittee to revise the MRP to include the best technology for final revegetation.

Frequency: Ongoing

Status: Phase I has been met. Phase II is currently being developed in consultation with the Division.

Reports: Qualitative report annually, and quantitative report 4th and 6th year.

Citation: MRP, Chapter III, page 4a, and Chapter III, appendix 1

Operator Comments

Met in the field with the Division to develop a plan

Reviewer Comments ☒ Met Requirements ☐ Did Not Meet Requirements

Reviewed by Priscilla Burton on 4/16/2012. As described on page 4a of Chapter III, the Permittee has agreed to follow a four-phase evaluation of final revegetation plans. Phase 1 has been met in previous years. Phase 2, requires that based on those investigations, and in consultation with the Division, the permittee implement the best techniques demonstrated to be successful thus far. The Division and Emery Mine representatives reviewed the reclamation sites on October 12, 2011, refer to Inspection Report #2895 for details. Further progress is expected on the following items identified during the October 12 meeting:

1. Lower the profile of pond 6 stockpiles, reseed and keep wildlife off the piles.
2. Reclaim ponds 4 & 5 which serve no present function.
3. Reclaim Pond 1 Subsoil Pile.
4. Adjust final reclamation plans to incorporate beneficial treatments observed such as disking in 1T/ac straw mulch.
5. Modify the seed mix to include only salt tolerant species and allow for a higher percentage shrubs and forbs.
6. Adjust Reference Areas to eliminate duplication.

In phase 3, the applied techniques will be evaluated qualitatively annually and quantitatively between the 4th and 6th years. These evaluations will be correlated to precipitation data results obtained from an on-site weather station and incorporated into the annual report.

In Phase 4, the Permittee will revise the MRP to include the best technology for final revegetation.

Title: WASTE STOCKPILE MATERIAL

Objective: To identify chemical characteristics of material as it is placed on the Temporary Coal mine Waste Stockpile. Sample and analyze waste for acid toxic parameters in accordance with R645-301-731.300.

Frequency: One sample/600 cu yds of coal mine waste brought to the temporary stockpile.

Status: Ongoing

Reports: Provide analysis in annual report.

Citation: MRP, Chapter II, page 10.

Operator Comments

N/A

Reviewer Comments ☒ Met Requirements

☐ Did Not Meet Requirements

Division Comments: Reviewed by Priscilla Burton on 4/16/2012. This sampling requirement was added to the MRP in March 2008. Quarterly inspections indicate that no waste was added to the pile after the date of the commitment in 2008, 2009, 2010 or 2011.

Title: SUBSIDENCE MONITORING- MONTHLY INSPECTIONS

Objective: Inspect the area outlined on Plate V-5 as full extraction areas when pillar splitting begins.

Frequency: Monthly until there is no record of additional subsidence.

Status: Ongoing

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, Binder 1 of 3, Page 36

Operator Comments

Monthly inspections are submitted to the division

Reviewer Comments ☒ Met Requirements

☐ Did Not Meet Requirements

Reviewed by James Owen. Annual report includes required subsidence monitoring data.

Title: SUBSIDENCE MONITORING- POINTS OVER PARTIAL PILLAR SECTIONS

Objective: monitor points over partial pillar sections that have been resurveyed once and where no significant movement ($<0.5'$) was found will be surveyed within one year. If this subsequent survey shows no significant movement from the original survey, the point will be surveyed again at one year intervals. Points over advancing sections need not be resurveyed unless there has been evidence that subsidence has taken place (caving).

Frequency: As needed

Status: Ongoing

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, binder 1 of 3, page 36.

Operator Comments

Refer to Appendix B-1

Reviewer Comments ☒ Met Requirements ☐ Did Not Meet Requirements

Reviewed by James Owen. Annual report includes required subsidence monitoring data.

Title: SUBSIDENCE MONITORING- NEW POINTS

Objective: Resurvey new monitoring points established over advancing sections such as mains and submains within one year after mining has been completed beneath the station. Include dates that points were established to track if the points have been resurveyed within a year after mining has been completed.

Frequency: As needed.

Status: Ongoing.

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, binder 1 of 3, page 36.

Operator Comments

Refer to Appendix B-1

Reviewer Comments ☒ Met Requirements ☐ Did Not Meet Requirements

Reviewed by James Owen. Annual report includes required subsidence monitoring data.

Title: SUBSIDENCE MONITORING- REPORT

Objective: Subsidence monitoring report containing: 1.) Mine maps showing where pillars have been pulled and the month and year that such pillars were removed or partially removed. 2.) Maps showing the location of survey monitoring stations and tension cracks and/or compression features visible on the surface. 2a.) Photographs of the subsidence monitoring points above the full extraction areas outlined on Plate V-5 to record pre and post subsidence. 3.) The differential level and horizontal survey summary and 4.) a narrative.

Frequency: As needed, report submitted to the Division annually.

Status: Ongoing

Reports: Provide report in annual report.

Citation: MRP, Chapter V, binder 1 of 3, page 37.

Operator Comments

Refer to Appendix B-1

Reviewer Comments ☒ Met Requirements ☐ Did Not Meet Requirements

Reviewed by James Owen. Annual report includes required subsidence monitoring data. No surface subsidence features were identified during monitoring.

Title: SUBSIDENCE MONITORING- PREMINING ELEVATIONS AND GRADIENTS

Objective: Establish pre-mining elevations and gradients of any irrigation ditches and pond embankments within the angle of draw. The permittee will monitor these areas by visual inspection and post-subsidence ground survey to establish the effects of subsidence.

Frequency: As needed.

Status: Ongoing

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, binder 1 of 3, page 37.

Operator Comments

N/A

Reviewer Comments ☒ Met Requirements ☐ Did Not Meet Requirements

Reviewed by James Owen. Commitment on As Needed basis. N/A.

Title: SUBSIDENCE MONITORING- MITIGATION REPORT

Objective: Provide, to the Division on an as-needed basis, a subsidence mitigation report that describes the surface mitigation projects and their status broken down by surface land owners.

Frequency: quarterly

Status: Ongoing

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, binder 1 of 3, page 37.

Operator Comments

N/A

Reviewer Comments ☒ Met Requirements ☐ Did Not Meet Requirements

Reviewed by James Owen. Commitment on As Needed basis. N/A.

Title: SUBSIDENCE MONITORING- UPDATE PRE-SUBSIDENCE SURVEY

Objective: Update the existing pre-subsidence survey and plates six months before full extraction and provide copies to the surface land owner, the Division and the water conservancy district.

Frequency: As needed, six months prior to full extraction.

Status: Ongoing

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, binder 1 of 3, page 37.

Operator Comments

N/A

Reviewer Comments ☒ Met Requirements ☐ Did Not Meet Requirements

Reviewed by James Owen. Commitment on As Needed basis. N/A.

Title: SUBSIDENCE MONITORING- RESURVEY NEW MONITORING POINTS

Objective: Resurvey new monitoring points established over partial pillar sections within six months after final mining has taken place beneath them. Provide dates that points were established to track if the points have been resurveyed within six months after final mining.

Frequency: as needed

Status: Ongoing

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, binder 1 of 3, page 36.

Operator Comments

N/A

Reviewer Comments ☒ Met Requirements ☐ Did Not Meet Requirements

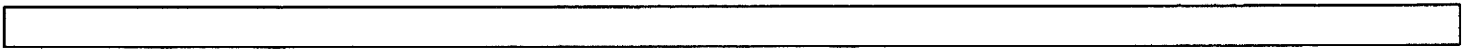
Reviewed by James Owen. Commitment on As Needed basis. N/A.

FUTURE COMMITMENTS AND CONDITIONS

The following commitments are not required for the current annual report year, but will be required by the permittee in the future as indicated by the "status" field. These commitments are included for information only, and do not currently require action. If you feel that the commitment is no longer relevant or needs to be revised, please contact the Division.

Title: SOIL SAMPLING AT 4TH EAST PORTAL
Objective: Verify soil characteristics prior to final reclamation grading through sampling and analysis for pH, SAR, and EC with particular attention to those areas that were treated with dust suppressant.
Frequency: At final reclamation.
Status: At final reclamation.
Reports: report findings to Division.
Citation: MRP, Chapter III part C.1, page 11 and Appendix X, part C-3, page 24.
Title: SOIL SAMPLING OF POND NO. 4 AND POND NO. 9
Objective: To determine if evaporative salts have accumulated to a toxic level.
Frequency: at final reclamation
Status: at final reclamation.
Reports: report to the Division.
Citation: MRP, Chapter III, part C-1, page 12.
Title: SOIL TESTING OF RECLAIMED SITE BEFORE SEEDING
Objective: To verify the suitability of the growth media.
Frequency: At reclamation.
Status: At reclamation, before seeding.
Reports: report to Division.
Citation: MRP, Chapter VIII, part C-4, page 21, paragraph 1.

OPERATOR COMMENTS (OPTIONAL)
REVIEWER COMMENTS



REPORTING OF OTHER TECHNICAL DATA

Please list other technical data or information that was not included in the form above, but is required under the approved plan, which must be periodically submitted to the Division.

Please list attachments:

B-2 Bryant (14th West) flow

Reviewer Comments

MAPS

Copies of mine maps, current and up-to-date through at least December 31, 2011, are to be provided to the Division as an attachment to this report in accordance with the requirements of R645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential.

Map Name	Map Number	Included		Confidential	
		Yes	No	Yes	No
Annual subsidence map		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mine Map		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reviewer Comments ☒ Met Requirements ☐ Did Not Meet Requirements

Reviewed by James Owen. No subsidence map is needed as mining is not taking place. Subsidence data is adequate. Mine map is provided with annual report.